

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-17 are all the claims pending in the application. In response to the Office Action, Applicant respectfully submits that the claims define patentable subject matter.

I. Overview of the Office Action

Claim 17 is newly rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the description requirement. The specification is objected to because of an informality. Claims 1, 5, 6, 9-14, 16, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dewitte et al. (U.S. Patent No. 7,068,391, hereafter “Dewitte”) in view of Patton et al. (U.S. Patent No. 6,304,345, hereafter “Patton”). Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dewitte in view of Patton and further in view of Yamada (JP 04-284579). Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dewitte in view of Patton and further in view of Tojo et al. (U.S. Patent Application Publication No. 2003/0016942, hereafter “Tojo”). Claims 4 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dewitte in view of Patton and further in view of Murakami (U.S. Patent Application No. 2004/0001208). Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dewitte in view of Patton and further in view of Metois et al. (U.S. Patent Application No. 2003/0197878, hereafter “Metois”). Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dewitte in view of Patton and further in view of Tojo and Kiyosu et al. (U.S. Patent Application Publication No. 2001/0052998, hereafter “Kiyosu”). Applicant respectfully traverses the prior art rejections.

II. Objection to the Specification

The Examiner has objected to the specification because of an informality. By this Amendment, Applicant has amended the specification in order to improve clarity. Accordingly, the Examiner is request to remove the objection to the specification.

III. Drawings

The Examiner is requested to approve the drawings in view of the Response to Notice of Non-Compliant Amendment filed on October 22, 2007. By confirmation of this Response, Applicant hereby forwards a copy of the October 22, 2007 filing, responding to thte Notice of Non-Compliant Amendment issued September 20, 2007.

IV. Rejection under 35 U.S.C. § 112

Claim 17 is rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the description requirement. In particular, the Examiner asserts that the term “colorimetric processing” as disclosed in claim 17 is new matter. Applicant respectfully disagrees with the Examiner’s position.

Colorimetric processing is simply the method for determining or specifying colors or the description of colors in a specific value, or the matching of colors based on a variety of measurements. The original specification (at least on pages 19-21 and FIG. 2), discloses a data conversion method wherein printing image data, which consists of a process color print image data portion and a spot color print image data portion is converted into a proof image data representative of only the process color component for the printer. As part of the data conversion process, a profile representative of an association between values of process color components for CMYK colors of image data for a printing machine 40 and values of process color components for image data for a printer 60, is prepared by a computer 50. This profile is

then used to convert the process color print image data portion to a process image data component which is the image data component for the printer 60.

The computer further prepares a table representative of an association between a spot color name and a value of spot color solid data for reproducing a color wherein density of a spot color represented by the spot color name is 100% (page 20). This table is referred to so as to obtain spot color solid data associated with the spot color name. The value of the process image data converted in the process color conversion discussed above is then added to the value of a spot color reproduction image data component created in a tone arithmetic process to create proof image data.

Applicant respectfully submits that it is quite clear that the specification discloses that the image data conversion comprises colorimetric processing. Accordingly, Applicant respectfully requests that the Examiner remove the § 112, first paragraph, rejection.

V. Prior Art Rejections

In the previous Amendment filed September 17, 2007, Applicant submitted that there is no teaching or suggestion in Dewitte of “a proof image reproducing a printed image in which a process color print image constituting of process colors and a spot color print image are superposed upon each other”, as recited in independent claim 1 and analogous independent claim 5. Applicant submitted that although the Examiner cited column 7, lines 49-57 and column 8, lines 22-29 of Dewitte as allegedly disclosing this feature of the claims, these cited portion of Dewitte merely disclose that the proofing method operates on an input image 103 that includes components that are color separations which may be in the form of the actual values of inks used for printing or in the form of spot colors. Further, this cited portion of Dewitte discloses that the input image may include one or more multi-component images such as images which have cyan,

magenta, yellow and black (CMYK) components, or may include spot colors. Nowhere do these cited portions (or any other portion) of Dewitte disclose that a process color print image and a spot color print image are superposed upon each other as required by the claims.

In response, the Examiner now cites column 9, lines 63-67 of Dewitte as allegedly disclosing this feature of the claim and asserts:

Examiner disagrees as evident in column 9, lines 63-67 wherein the output proof has process color CMYK plus spot colors green and orange. Thus the output is superposition of six colors including the spot colors and CMYK.²

Applicant respectfully disagrees with the Examiner's position. Dewitte discloses a process in which an N colorant component screened image is converted to a contone image with the same number, M, of color components as there are proofing color components. In one embodiment, M colors of the proofer are the same number and the same colorants as the N printer colors. In other words, both the printer and the proofer use the same CMYK colorants. Column 9, lines 63-67 of Dewitte merely discloses an embodiment in which M is larger than N.

However, nowhere does this cited portion of Dewitte teach or suggest the feature "a proof image reproducing a printed image in which a process color print image constituting of process colors and a spot color print image are superposed upon each other", as recited in the claims. Although Dewitte appears to disclose that an input image may be proofed on a six color proofer, this does not suggest that a proof image is reproduced in which a process color print image constituting process colors and a spot color print image are superposed upon each other, as required by the claims.

² Page 2 of the Office Action dated January 24, 2008.

In the previous Amendment, Applicant also submitted that there is no teaching or suggestion in Patton of the feature “an additional image data creating section that creates additional image data for the output device, which is representative of an additional image describing a reproduction property of a spot color in the reproduction system presupposed when the image data conversion section processes printing image data”, as recited in independent claim 1 and analogously recited in independent claims 5, 9, and 10. Applicant submitted that the Examiner’s apparent reading of the claimed “additional image data” on the informational data 14 of Patton was erroneous, since the informational data 14 of Patton merely contains information that designates that the print can be used for reprinting or displaying the image in its form as originally printed or captured, and information specifying the color and density for regions of the image, which enables a copy algorithm to reproduce the image as originally captured or printed, and Patton does not teach or suggest that the informational data describes a reproduction property of a spot color in the reproduction system, as required by the claims.

In response, the Examiner asserts:

Patton et al '345 discloses that information data contains "colorimetric value" (column 5, lines 21-25). Further Patton et al '345 discloses in column 6, lines 15-33 that the colorimetric data is used to reproduce the original image which means that the colorimetric data in information data describes the reproduction property of a color. Further in column 6, 36- 41, Patton et al '345 discloses that the color can be of any color which covers spot colors.³

Again, Applicant disagrees with the Examiner’s position. Patton discloses in column 5, lines 21-25 that the informational data 14 includes colorimetric data regarding the image. Column 6, lines 15-33 of Patton discloses that the colorimetric properties of a specified area 18

³ Page 2 of the Office Action.

of an image 12 may be identified in informational data 14 or may be pre-stored in a memory.

The informational data is manipulated by an algorithm to reconstruct the image as originally captured and/or printed. Column 6, lines 36-41 of Patton merely discloses that the specified area 18 may have a substantially uniform colorimetric value.

Accordingly, Patton discloses that the informational data includes data regarding the image, and not “information representative of an additional image describing a reproduction property of a spot color in the reproduction system presupposed when the image data conversion section processes printing image data”, as required by the claims.

Further, Patton appears to have little or no relevance to the claimed invention, since Patton pertains to the production of a copy of a current print which matches the appearance of the original print by reading information related to the original print which is encoded on a hardcopy of the original print. This clearly differs from the claimed invention, which pertains to obtaining a color proof prior to printing, and which obtains the reproduction property of a spot color and the reproduction system for the spot color and creates additional image data representative of the reproduction system for the spot color, and then superimposes this additional data onto the proof image.

In the previous Amendment, Applicant submitted that there is no teaching or suggestion in Patton of “an image data output section that outputs to the output device the proof image data converted in the image data conversion section and the additional image data created in the additional image data creating section, so that the output device outputs the proof image and the additional image”, as recited in claims 1, 5, 9, and 10. Applicant submitted that column 4, lines 40-55 of Patton which the Examiner cited as allegedly disclosing this feature of the claims,

appears to disclose a final image or print (column 3, lines 21-25), and not a proof image as required by the claimed invention.

In response, the Examiner asserts:

Patton et al '345 discloses using the information data on original image 12 to regenerate an output image (column 5, lines 47-50; column 6, lines 28-33). Thus the original image 12 is a "proof" before regeneration of final output image.⁴

Applicant again disagrees with the Examiner's position and believe that the Examiner's position is clearly erroneous.

Patton discloses that when a reprint of an image 12 is needed, the print 10 is passed through a scanner and sent to an output device and printed according to informational data (data which represents the colorimetric value of the image or a specified area of the image as originally captured or produced) (column 5, line 36 to column 6, line 33). Accordingly, the image 12 is simply an image that was previous printed and not a proof as required by the claims.

Accordingly, Applicant respectfully submits that independent claims 1, 5, 9, and 10 should be allowable because the cited references do not teach or suggest all of the features of the claims. Claims 2-4, 6-8, and 11-17 should also be allowable at least by virtue of their dependency on independent claims 1, 5, 9, and 10.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

⁴ Pages 2-3 of the Office Action.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: May 22, 2008

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q76687

Eiji TERAUE

Appln. No.: 10/633,718

Group Art Unit: 2625

Confirmation No.: 5695

Examiner: Beniyam MENBERU

Filed: August 5, 2003

For: IMAGE PROCESSING APPARATUS, AND IMAGE PROCESSING PROGRAM
STORAGE MEDIUM

PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.136, Applicant hereby petitions for an extension of time of one month, extending the time for responding to the Office Action of January 24, 2008 to May 24, 2008.

The statutory fee of \$120 is being charged to Deposit Account No. 19-4880 via EFS Payment Screen. The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Group Art Unit: 2625

Confirmation No.: 5695

Examiner: Beniyam MENBERU

Filed: August 5, 2003

For: IMAGE PROCESSING APPARATUS, AND IMAGE PROCESSING PROGRAM
STORAGE MEDIUM

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT
UNDER 37 C.F.R. § 1.121(d)

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment, dated September 20, 2007,

Applicant submit herewith 2 sheets of drawings.

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AMENDMENTS TO THE DRAWINGS

FIGS. 3 and 4 have been amended and labeled "Replacement Sheet".

Attachment: Two (2) Replacement Sheets (FIGS. 3 and 4)
Two (2) Annotated Sheets (FIGS. 3 and 4)

RESPONSE TO NOTICE OF NON-COMPLIANT
AMENDMENT UNDER 37 C.F.R. § 1.121(d)
Application No.: 10/633,718

Attorney Docket No.: Q76687

REMARKS

 **COPY**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: October 22, 2007

3/17

 **COPY**

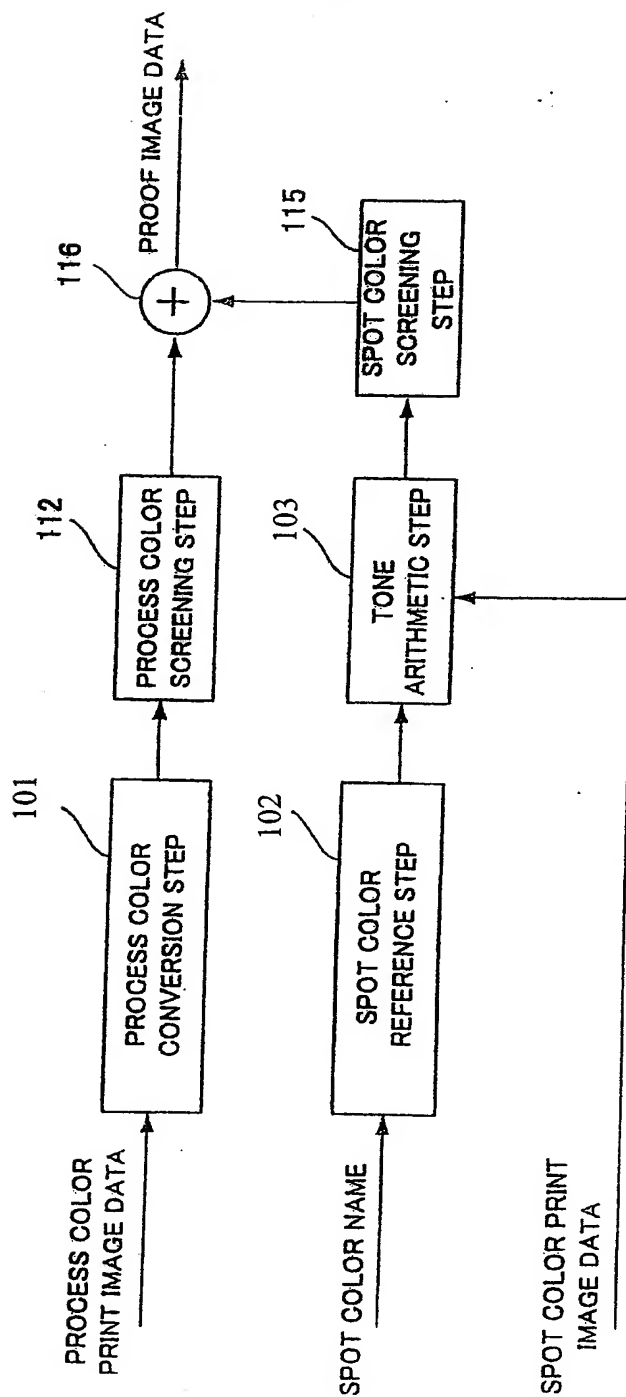


Fig.3

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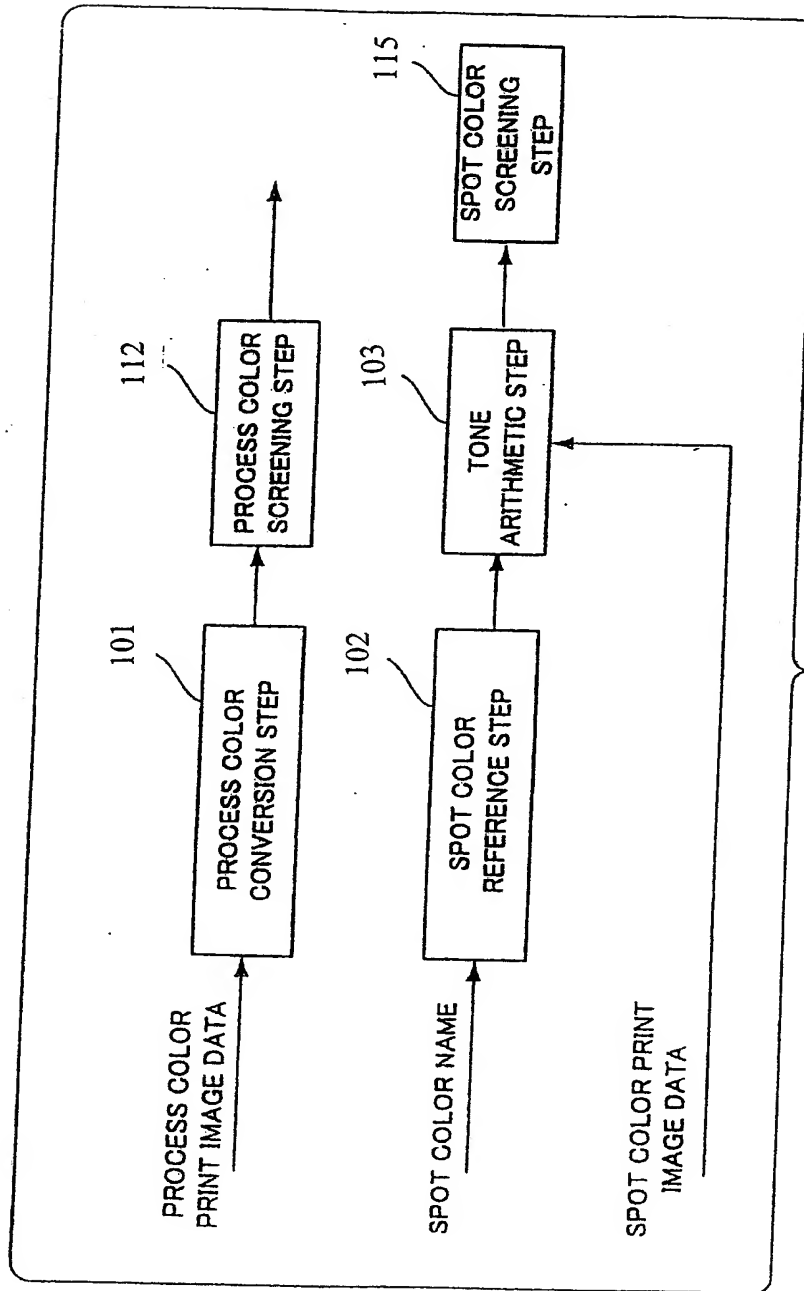


Fig.4

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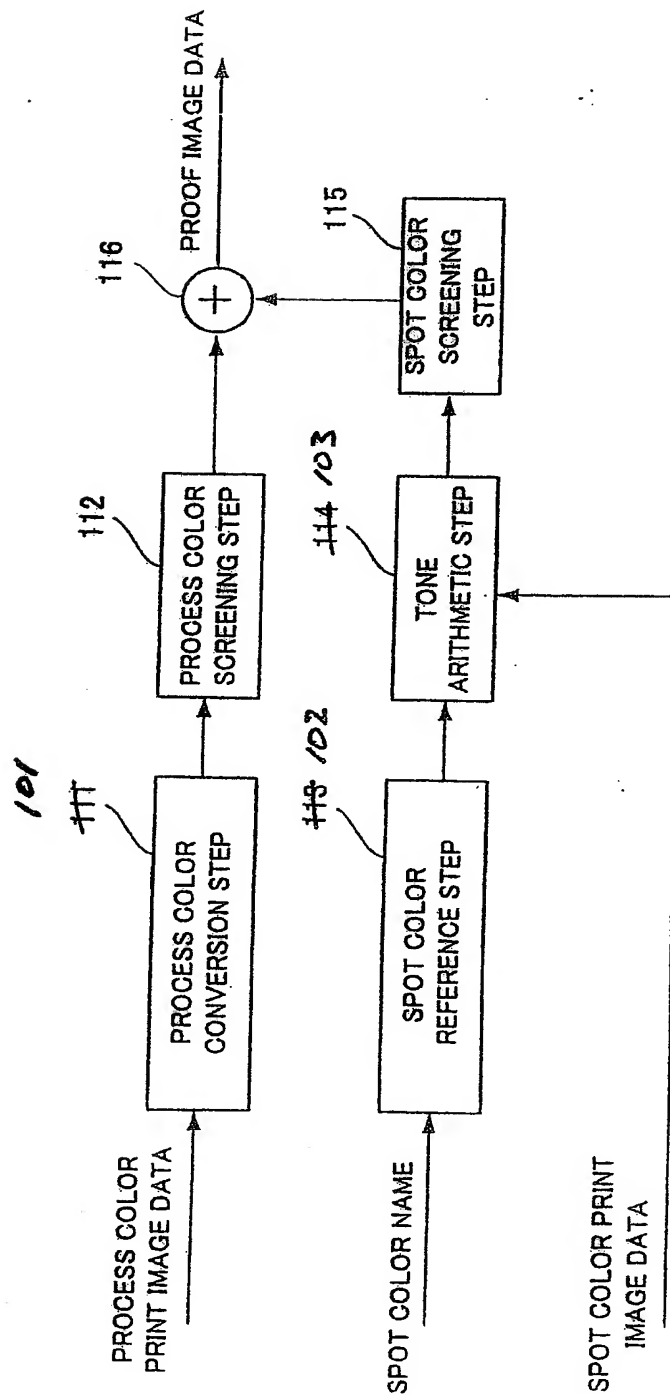


Fig.3

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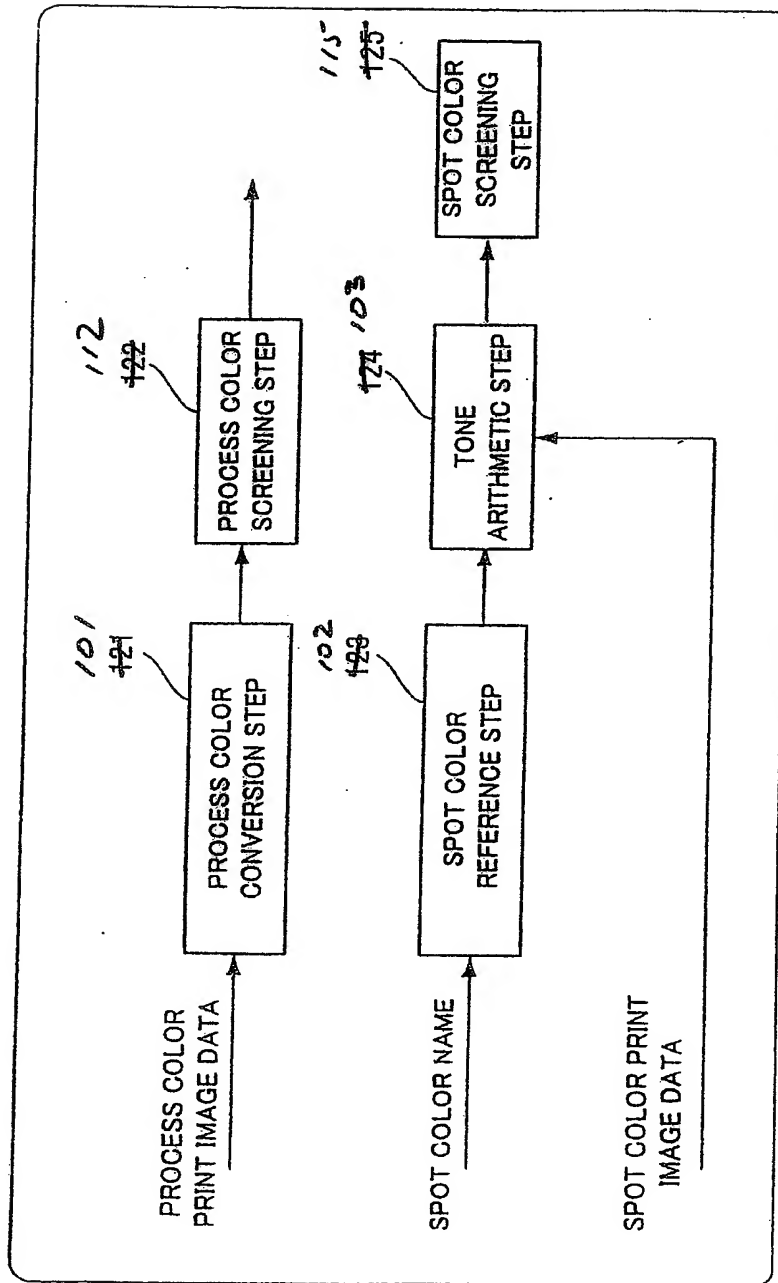


Fig.4